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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,505

01/05/2006

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TS6437US

8251

23632 7590 02/28/2008  
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EXAMINER

HARCOURT, BRAD

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

02/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,505	<b>Applicant(s)</b> LOHBECK ET AL.	
	<b>Examiner</b> Brad Harcourt	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

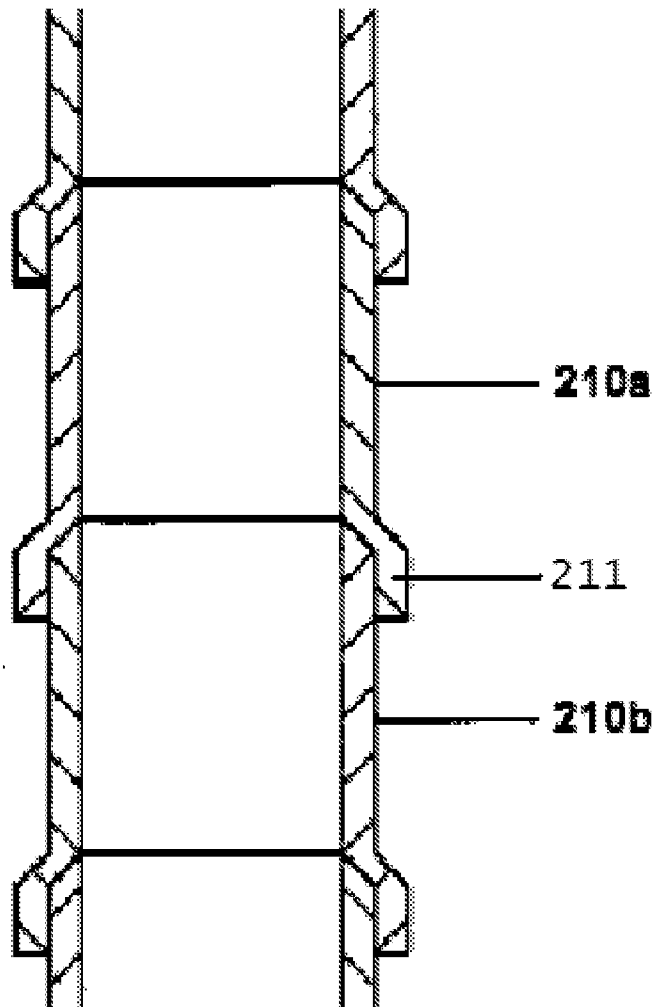
Claims 1-3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendziora (International Publication No. WO 03/029607) in view of Harrall et al. (US Patent Application Publication No. 2005/0011650).

Kendziora discloses a method and apparatus (see figure below) for expanding a tubular comprising first tubing section 210a, second tubing section 211; and expandable sleeve 210b. In operation, using expander 905; first and second tubing sections 210a and 211 are expanded; sleeve 210b is placed adjacent to second tubing section 211; sleeve 210b is expanded to the same diameter of tubing section 210a, and second tubing section 211 is expanded to a diameter the sum of first section 210a and twice the wall thickness of sleeve 210b.

Kendziora discloses all of the limitations of the above claims with the exception of retrieving an expandable sleeve. Harrall discloses a method and apparatus for expanding tubing comprising using a rotary expansion tool 526 to sever and remove expandable sleeve 565 (Fig. 13D). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include a method of removing a

Art Unit: 3676

sleeve or other tubular from the wellbore in the system of Kendziora in view of Harrall to provide a means of disassembling a casing string if it should be required.



Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendziora (International Publication No. WO 03/029607) in view of Harrall et al. (US Patent Application Publication No. 2005/0011650) as applied to claim 1 above, and further in view of Schetky et al. (US Patent No. 6,772,836).

Kendziora and Harrall disclose all of the limitations of the above claims with the exception of using an expandable sleeve with a plurality of openings defining a pattern

of members subjected to bending upon radial expansion of the sleeve. Schetky discloses an expandable tubular “such as a casing, tube, patch, or pipe” (col. 4, lines 8-9) comprising struts 21 and 22 that bend and are connected at hinges (Fig. 4a). Struts 21 and 22 are longitudinally overlapping slots (Fig. 4B) while the tubular is unexpanded. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include slots that bend during radial expansion of an expandable tubular in the system of Kendziora in view of Harrall and in further view of Schetky to provide an expandable tubular that can expand without causing undue strain on its structure.

#### ***Allowable Subject Matter***

Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 12/20/2007 have been fully considered but they are not persuasive.

Applicant argues that the sleeve 210b of Kendziora is not an expandable sleeve. The limitation “expandable sleeve” interpreted in the broadest reasonable interpretation includes expandable tubing or casing portions as they are both expandable and sleeves.

Applicant argues that the combination of Kendziora and Harrall is inappropriate as Harrall only teaches extracting only an unexpanded portion of a sleeve and that neither reference discloses removing a sleeve through a tubular that has a smaller

Art Unit: 3676

inside diameter than the outside diameter of the sleeve. Harrall discloses expanding a portion of a sleeve 565 and removing an unexpanded portion of the sleeve through the expanded portion, which could be combined with the expandable system of Kendziora in view of Harrall by someone having ordinary skill in the art to remove a bottom unexpanded portion of the sleeve.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Harcourt whose telephone number is (571)272-7303. The examiner can normally be reached on Monday through Friday from 8:30 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer H Gay/  
Supervisory Patent Examiner, Art  
Unit 3676

BH  
2/19/08